



COPY OF PAPERS
ORIGINALLY FILED

PATENT
Docket No. 524182000200

#11
2-26-02
Rg

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231, on January 2, 2002.


Ruth Saskowski

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Lee A. BULLA, et al.

Serial No.: 09/696,801

Filing Date: 25 October 2000

For: GENE MINING SYSTEM AND
METHOD

Examiner: Clow, L.

Group Art Unit: 1631

RECEIVED
FEB 15 2002
TECH CENTER 1600/2900

AMENDMENT UNDER 37 C.F.R. § 1.111

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to an Office Action herein mailed 2 November 2001, time for response to which was set to expire 2 December 2001. A petition for an extension of time of one (1) month until 2 January 2002 is attached hereto along with the required fee. Restriction among six groups was required.

Applicants hereby elect to prosecute the invention of Group III, claims 13-33 drawn to methods target gene sequences. This election is made without traverse with respect to claims 1-12 (Groups I and II) and with traverse with respect to claims 34-82 (Groups IV-VI).

While the Office has provided reasons why Groups I and II are distinct from each other and distinct from Groups III-VI, no rationale whatsoever has been provided in support of the proposition that Groups IV-VI are distinct from Group III. In reality they are not distinct. A review of independent claims 13,34, 60 and 81 (the independent claims which form the basis for Groups III, IV, V and VI) reveals that they all claim the same invention -a method for targeting gene sequences and systems, computer programs, and computer readable media for carrying the very same method. Accordingly, the claims of Groups III-VI simply represent different aspects of the same invention and should be examined together.

Examination of the inventions of Groups III-VI, claims 13-82 is therefore requested.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket No. 524182000200.

Respectfully submitted,

Dated: January 2, 2002

By: Kate H. Murashige
Kate H. Murashige
Registration No. 29,959

Morrison & Foerster LLP
3811 Valley Centre Drive
Suite 500
San Diego, California 92130-2332
Telephone: (858) 720-5112
Facsimile: (858) 720-5125